

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

SPECIAL MEETING AND PUBLIC HEARING MINUTES

NOVEMBER 3, 2004

The following Minutes are a summary of the Special Meeting/Public Hearing for the City of Renton Merritt II Annexation (File No. 2178). Written transcripts are available from the Boundary Review Board.

I. CALL TO ORDER

James Denton, Chair, convened the meeting of November 3, 2004 at 7:10 PM.

II. ROLL CALL

The following members were present at the Special Meeting and Public Hearing:

Ellen Abellera	Lloyd Baker
Charles Booth	A. J. Culver
Ethel Hanis	Claudia Hirschey
Roger Loschen	Michael Marchand
Judy Tessandore	

III. PUBLIC HEARING CITY OF RENTON MERRITT II ANNEXATION (FILE No. 2178)

INTRODUCTION:

Chair Denton stated that the purpose of the Special Meeting is to conduct a Public Hearing on the Merritt II Annexation, a proposal submitted by the City of Renton to the Boundary Review Board in July 2004. The Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexation.

Chair Denton described the standards for a quasi-judicial public hearing and the scope of the hearing. He explained the process for taking public testimony. Chair Denton opened the public hearing.

Chair Denton and Lenora Blauman described the proposed annexation. The Merritt II Annexation site consists of a 20.59-acre area shaped generally like a peninsula. The proposed boundaries of the Merritt II Annexation are:

- The northern boundary of the annexation area is variously formed by Maple Valley Creek and NE 27th Street (if extended).
- The southern boundary of the annexation area is formed by SE 100th Street.
- The western boundary of the annexation area is variously formed by 142nd Avenue NE and Graham Avenue (if extended).
- The eastern boundary of the annexation area is formed by Lyons Avenue NE and by Ilwaco Avenue NE (if extended).

Renton City Council received a petition (50/50 method) in February 2004 from property owners and residents seeking annexation to the City. The City Council adopted the Merritt II Annexation Petition in May 2004. The City submitted a Notice of Intention to the Boundary Review Board in July 2004.

(Note: The City originally received an application for a four-acre annexation – Merritt I – which was then expanded to 20.59 acres based upon citizen interest. The 20.59- acre annexation proposal was designated as Merritt II.)

On August 27, 2004, the Office of the King County Executive invoked jurisdiction seeking a public hearing before the Boundary Review Board to review the Notice of Intention for the proposed Merritt II Annexation. The invoking of jurisdiction was based upon concerns related to:

- The County's continued ability to provide efficient local services in an urban unincorporated area with irregular municipal boundaries and relative isolation between the cities of Renton and Newcastle;
- Environmental and surface water management issues associated with the May Valley corridor;
- The application of appropriate zoning to protect the regionally designated May Valley urban separator;
- Consistency with adopted plans and policies including the King County Comprehensive Land Use Plan, and the Countywide Planning Policies; and,
- Consistency with Boundary Review Board Objectives.

Based upon that invoking of jurisdiction, the Boundary Review Board has scheduled this public hearing to review the proposed annexation.

Following the conclusion of the public hearing, the Boundary Review Board will deliberate and make a decision with respect to the Merritt II Annexation. The Board will consider the state, regional, and local regulations which guide annexations. The Board can approve the Merritt II Annexation as proposed by the City of Renton. The Board can modify the Merritt II Annexation to include the entire Potential Annexation Area, as requested by King County. The Board can deny the entire Merritt II Annexation.

(Note: In response to a procedural question from Roger Loschen, Special Assistant Attorney General Robert C. Kaufman stated that the Board has some, limited authority to establish conditions for an annexation. However, the Board is "prohibited by law from establishing or imposing specific zoning requirements" in conjunction with an annexation.)

PROPONENT PRESENTATION: City of Renton – Donald Erickson, Senior Planner; Rebecca Lind, Planning Manager – Community Development & Strategic Planning

On behalf of the City of Renton, Mr. Erickson and Ms. Lind presented a statement concerning the proposed Merritt II Annexation. Mr. Erickson and Ms. Lind responded to inquiries by the Boundary Review Board members. Following is a summary of the statement (including responses to inquiries).

Mr. Erickson stated that the City of Renton initially considered the annexation of a 4.8-acre territory (Merritt I). However, in response to citizen interest, the annexation was expanded to the currently proposed 20.59-acre site (Merritt II).

The County has suggested expanding this annexation to including Merritt II and to encompass the entirety of the greater Potential Annexation Area of 133 acres. This greater Potential Annexation Area encompasses SE May Valley Road south to the current City boundary, west to Newcastle Road SE and SE 95th Way (and a 4.96-acre area west of SE 95th Way adjacent to the City boundary) and east to Lyons Avenue SE and the Stonegate Subdivision.

Mr. Erickson stated that the City of Renton submitted the Notice of Intention for the Merritt II Annexation based upon the provisions of the State Boundary Review Board Act (RCW 36.93); the State Environmental Policy Act (RCW 36.70A); the King County Comprehensive Plan/Countywide Planning Policies; together with the City of Renton Comprehensive Plan.

More specifically, the Merritt II Annexation was proposed based upon King County Policy LU-32, which states that a city may annex territory only within its designated potential annexation area. LU-32 further states that all cities shall phase annexations to coincide with the ability of the city to coordinate the provision of a full range of urban services to areas annexed.

Mr. Erickson provided detailed information about the proposed Merritt II Annexation Area (20.59 acres). The Merritt II Annexation Area is located within Renton's Potential Annexation Area adjacent to the existing City of Renton on portions of its southern and eastern boundaries.

The Merritt II Annexation Area includes both developed and vacant lands. May Creek traverses the Merritt II Area and the greater Potential Annexation Area. Portions of the Merritt II Area and the greater Potential Annexation Area include wildlife habitat and other environmentally sensitive areas. The Potential Annexation Area is also characterized by variable topography (with level lands and slopes ranging from 10% to 40%.)

Mr. Erickson and Ms. Lind stated that the Merritt II Annexation Area at 20.59 acres and the surrounding unincorporated Potential Annexation Area at 112 acres (for a total of 133 acres) are currently designated by King County as "Greenbelt-Urban Separator" and zoned for Residential Use (one dwelling unit per gross acre.)

Mr. Erickson and Ms. Lind reported that, as authorized by state and regional guidelines, the City of Renton designated and pre-zoned the Merritt II Area (and a substantial portion of the Potential Annexation Area) for single-family residential use at a density of one dwelling unit per net acre in 1996. A smaller five-acre existing subdivision at the south end of the area along SE 100th Place was pre-zoned R-5 in 1997. The R-5 zone is currently being replaced with a new R-4 zone with the present Comprehensive Plan update. At annexation, R-1 and R-4 zoning would apply consistent with City standards.

Designation and pre-zoning by the City of Renton reportedly occurred pursuant to RCW 35.A.14.330 and RCW 35.A.14.340. Each of these actions is reportedly consistent with – or more restrictive than – the provisions of the King County Comprehensive Plan.

For example, under this City of Renton residential zoning plan, the City of Renton could permit 12 new homes (in addition to the five existing homes) on the 20.59-acre Merritt II site. Under the current King County regulations, up to 20 homes could be permitted in the Merritt II Area. Approximately 65 single-family dwellings are located within the greater Potential Annexation Area; approximately 50 additional homes could be permitted in the entire Potential Annexation Area.

Mr. Erickson and Ms. Lind further reported that, currently, King County allows clustering of new development in the R-1 Zone. Renton is preparing to adopt similar provisions for Urban Separators that will provide for clustered single-family dwellings in order to provide features (e.g., coordination of open space) to ensure sufficient protection of environmentally sensitive areas. These regulations are intended both to address King County and City of Renton priorities for protection of Urban Separators. For example:

Relevant Countywide Planning Policies	City of Renton Response
<p>Policy LU-27. Urban separators are low-density areas or areas of little development within the Urban Growth Area. Urban separators shall be defined as permanent low-density lands, which protect adjacent resource lands, Rural Areas, and environmentally sensitive areas and create open space corridors within/between Urban Areas, to provide environmental, visual, recreational and wildlife benefits.</p>	<p>As noted above the King County Comprehensive Plan Land Use Map designates most of the Merritt II Annexation area and the greater Potential Annexation Area as Urban Separator/Greenbelt. Renton has designated the area as Residential Low Density as well as pre-zoned it to R-1, one unit maximum per net acre. The area is intended as an open space corridor between Newcastle and more urban areas of Renton as well as habitat for wildlife.</p>

Relevant Countywide Planning Policies	City of Renton Response
<p>Policy LU-31. In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap.</p>	<p>The subject Merritt II Annexation site and the greater annexation area are part of Renton's designated Potential Annexation Area (PAA). Renton's PAA does not overlap that of any adjacent jurisdiction at this time and is shown on Renton's Comprehensive Plan Land Use Map.</p>
<p>Policy CC-6. A regional open space system shall be established to include lands which:</p> <ol style="list-style-type: none"> Provide physical and/or visual buffers such as open spaces, which help to separate incompatible uses, distinguish the Urban and Rural Areas, define Urban Growth Boundaries, or establish the character of a neighborhood, community, city or region. Provide active and passive outdoor recreational opportunities which are compatible with the environmental and ecological values of the site; and /or Contain natural areas, habitat lands, natural drainage features, and/or other environmental, cultural, and scenic resources. 	<p>The Merritt II Annexation site and the greater Potential Annexation Area is designated primarily as Greenbelt/Urban Separator on King County's Comprehensive Plan Land Use Map and as Residential Low Density on the City of Renton's Comprehensive Plan Land Use Map. The whole area is intended to function as an urban separator between Renton and Newcastle.</p> <p>The northwestern corner of the expanded area includes King County owned open space as well as parks/wilderness.</p> <p>The proposed Merritt II Annexation and the greater Potential Annexation Area includes habitat lands and drainage features including those particularly related to May Creek, which flows from east to west through the upper portion of the area.</p>

Mr. Erickson reported that, in addition, the City of Renton intends by the proposed designation and zoning for the annexation area (Merritt II and the greater Potential Annexation Area) to ensure consistency with the intent of the May Creek Basin Action Plan. Similarly the City intends to achieve the relevant Countywide Planning Policies for surface water management. For example:

Relevant Countywide Planning Policies	City of Renton Response
<p>Policy CA-7. Adjacent jurisdictions shall identify and protect habitat networks that are aligned at jurisdictional boundaries. Networks shall link large protected or significant blocks of habitat within and between jurisdictions to achieve a continuous Countywide network. These networks shall be mapped and displayed in comprehensive plans.</p>	<p>King County and Renton have worked together protect this expanded annexation area as an urban separator and continuous low density open space habitat for wildlife. In 1997 the City of Renton, pursuant to RCW 35.A.14.330 and 340, pre-zoned the expanded annexation area to the City's R-1 zone consistent with its Residential Low Density designation. This zone allows a maximum of one dwelling unit per net acre. Provisions are also being developed to promote clustering of new dwellings in this zone, further enhancing open space habitat.</p>

Relevant Countywide Planning Policies	City of Renton Response
<p>Policy CA-10. Jurisdictions shall maintain or enhance water quality through control of runoff and best management practices to maintain natural aquatic communities and beneficial uses.</p>	<p>Renton has adopted the May Creek Basin Action Plan, which recommends solving problems at their source when feasible, and suggests some land use prescriptions and development restrictions toward this end. The Plan also often imposes, at the project level, in areas with sensitive lands subject to erosion and flooding Level 3 Flow Control Standards from the 1998 King County Surface Water Design Manual.</p>

Mr. Erickson reported that the City of Renton is ready to provide a full range of urban services to the Merritt II Area including police, fire, water, and sewer utilities. Similarly, Renton is prepared to serve the entire Potential Annexation Area upon incorporation of those lands into the City.

Thus Mr. Erickson reported that the annexation is consistent with Land Use Policies LU-36 and LU-37 pertaining to encouraging annexations in areas where urban infrastructure and services are available for development at urban densities and in areas contiguous to City boundaries. More specifically:

- Water Utility: Renton is the designated water service provider for the majority of the area. This includes the area west of SE 144th Avenue (Ilwaco Avenue NE) and south of SE 96th Street, if extended. The area north of SE 96th Street, if extended, is served by the Coal Creek Water and Sewer District and the area east of 144th Avenue SE, if extended is served by Water District No. 90. No additional staff is anticipated as a result of this annexation.
- Surface Water: The proposed annexation is located in the Green Creek sub-basin of the May Creek Basin. The site drains to the May Valley portion of May Creek, where there is existing flooding, water quality and fish habitat problems. May Creek flows across the northern portion of the proposed enlarged annexation. Because the City adopted the May Creek Basin Action Plan which requires full mitigation for future increases in surface water runoff from new development draining into May Valley, future development will likely have to comply with the 1998 King County Surface Water Design Manual flow control standards. Similarly, requirements will be established for management of drainage at the source through a combination of detention and retention facilities. No additional staff is anticipated as a result of this enlarged annexation.
- Wastewater: The City is the designated sewer service provider for that portion of the enlarged annexation area laying south of SE 96th Street, if extended. Existing development – which is currently on septic systems -- would be permitted to retain those systems or to convert from septic systems to sewer systems. New development would be required to be connected to sewer lines. The area north of SE 96th Street, if extended, is served by the Coal Creek Water and Sewer District.
- Parks: Staff notes that there currently is a shortfall of parks, trails and recreation facilities in the area. May Creek Park lays in the western portion of the enlarged annexation area near Coal Creek Parkway. Staff has calculated an estimated one-time cost of \$79,828 as the fair share cost that could be attributed to this annexation, above and beyond revenues that might accrue to the City from parks mitigation fees for new development.

- Fire: The City currently serves the western three-quarters of the annexation area under contract with Fire District No. 25. If the Renton City Council and the Boundary Review Board support this expanded annexation area upon its annexation the City will serve the whole area.
- Police: The Police Department generally supports annexations such as this but notes that this, like all annexations, will likely increase the number of calls for service. The accumulative impact of these annexations could eventually require additional staff.
- Public Works Maintenance: The division has not yet had a chance to estimate the annual cost of maintaining existing and new streets within the proposed enlarged annexation area.
- Transportation: Access is proposed via existing street networks, together with some cul de sac roadways. The proposed clustering of development will permit access while limiting the creation of impervious surfaces.

Because the costs of upgrading existing access streets serving new development within the proposed annexation would most likely be borne by those developing properties there should be minimal cost to the City, at least initially. The only expenses the City would incur from a transportation standpoint would be those associated with new signage and pavement markings, street lighting and maintenance costs.

Mr. Erickson reported that a fiscal analysis has been conducted for the proposed Merritt II Annexation and for the greater Potential Annexation Area. This analysis considered all developable parcels and was based upon an estimated average assessed valuation. Based upon that analysis, the total assessed value for the Merritt II Area would be estimated at \$14,860,621; the total assessed value for the entire Potential Annexation Area would increase to approximately \$35,860,621.

The net fiscal impact of the incorporation of the greater Potential Annexation Area to the City of Renton without new development is an estimated cost of \$798 per year. At full development in ten years, based upon an assessed valuation of \$500,000 per new home, this deficit would turn into a surplus of \$2,967 per year to the City (in 2004 dollars.) This compares with an estimated surplus of \$1,257 per year for the 20.59-acre Merritt II Annexation at current development and an estimated surplus of \$2,038 per year at full development. If new homes are built with higher assessed values and existing homes are remodeled, these revenues could further increase. Costs of providing services to this enlarged annexation area would also presumably decline somewhat as service area boundaries would be less fragmented than if annexation occurred over a number of years.

Mr. Erickson further reported that the Merritt II Annexation and the incorporation of the greater Potential Annexation Area would be consistent with the Boundary Review Board Objectives. More specifically:

1. Preservation of natural neighborhoods and communities;

The Potential Annexation Area does not have a specific neighborhood designation or adopted neighborhood boundaries. The predominating density of one unit per 2.86 acres does not generally support a "neighborhood." However, there are some sections (such as the Newcastle Terrace subdivision located at the southern end of the expanded annexation area), which do provide for a sense of community.

The proposed annexation – which would support limited, but clustered development could result in a greater community affiliation.

2. Use of Physical boundaries, including but not limited to bodies of water, highways, and land contours;

The proposed enlarged annexation area abuts the City of Renton along its eastern, southern and western boundaries and the City of Newcastle along its northern boundary. If approved the enlarged annexation area makes good use of existing

physical boundaries using SE 95th Way/Newcastle Road, and SE May Valley Road for much of its boundary.

3. Creation and preservation of logical service areas;

The proposed enlarged annexation area is split in terms of sewer service currently. As noted above the area north of SE 96th Street, if extended, is served by the Coal Creek Water and Sewer District and the south of it is served by the Renton Wastewater Utility. Similarly, the expanded area is split in terms of school service areas with the western 80% of it served by the Renton School District and the eastern 20% (east of 144th Avenue SE) served the Issaquah School District.

The greater Potential Annexation Area is currently served by Fire District 25, which the City utilizes as the provider of services under a contract with the district. A similar situation occurs with water service for the area west of 144th Avenue SE and south of SE 96th Street, if extended, which is served by Renton and the area to the north that is served by the Coal Creek Water and Sewer District. The area south of SE 96th Street, if extended, and east of 144th Avenue SE is served by Water District No. 90. These boundaries have been approved by the various districts and adopted by King County.

4. Prevention of abnormally irregular boundaries;

The proposed boundaries of the greater Potential Annexation Area are not “abnormally” irregular. In fact, these boundaries are much more regular than those of the Merritt II annexation by itself and are consistent with Renton’s Potential Annexation Area boundaries in this portion of King County.

5. Discouragement of multiple incorporations of small cities and encouragement of incorporations of cities in excess of ten thousand population in heavily populated urban areas;

Not applicable.

6. Dissolution of inactive special purpose districts;

There are no known inactive special purpose districts in this area.

7. Adjustment of impractical boundaries;

The greater Potential Annexation Area does appear to create more logical boundaries than would typically occur with incremental annexations.

8. Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and,

King County has designated this area for urban development because of its location within the Urban Growth Area boundary. The county has also indicated that it wants to divest itself from providing urban services to these unincorporated urban areas.

9. Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

Not applicable. No portions of the proposed annexation are designated for long term productive agricultural use in either the King County or Renton Comprehensive Plans.

Mr. Erickson reported that the City did not initially proposed the annexation of the entire 133-acre territory because it is the policy of the city only to annex those properties whose owners seek to join the city. The City applies this policy because, while the rate and efficiency of annexation is limited, those annexations which do take place then do reflect the will of the community. Based upon the support of King County and the greater interests of the community, however, the City of Renton is willing to support the incorporation of the greater Potential Annexation Area.

OPPONENT PRESENTATION: King County – Michael Thomas, Senior Policy Analyst

No representative from King County was present at the meeting.

GENERAL TESTIMONY:

Approximately seven property owners and residents of the Merritt II Annexation Area and the greater Potential Annexation Area testified concerning the proposed action (20.59-acres) and the incorporation of the 133-acre territory.

The testimony generally favored the concept of annexation to the City of Renton. The majority of speakers requested that the City provide (either voluntarily or by requirement of the Boundary Review Board) for development regulations that mandate specific clustering standards and open space retention standards in conjunction as a condition of and in conjunction with the annexation.

More specifically, a majority of speakers stated that the City of Renton regulations should be consistent with the King County Comprehensive Plan policies (2201) for Greenbelt/Urban Separators for May Valley. Similarly these protections are required by Countywide Planning Policies that call for preservation of open space and corridors (e.g., LU-27 and CPP CC-12 calling for maintenance of open space).

Several of the speakers further stated that the City of Renton is presently considering policies and regulations that would be consistent with County standards, but City officials have not yet formally adopted the necessary regulations to ensure citizens that their existing community will receive the necessary protection. However, several speakers stated the opinion that City and County regulations must be synchronized in order to preserve May Valley's existing and future built community (e.g., homes, parks, roadways). There was also considerable testimony stating that City and County regulations must be synchronized in order to preserve May Valley's natural environment (e.g., topography, hydrologic features, trees, wildlife habitat).

Several of the speakers requested that the Boundary Review Board ensure that Renton policies and development regulations are approved and subject to enforcement in conjunction with action to approve an annexation including Merritt II (20.59 acres) or the entirety of the Potential Annexation Area. Alternatively, the City must be required to adhere to existing County standards until parallel city regulations are in place.

IV. REBUTTAL

The City of Renton waived the opportunity to rebut at this time.

V. DETERMINATION OF THE STATUS OF THE PUBLIC HEARING

At the completion of public testimony for the Merritt II Annexation, Chair Denton instructed the Board with respect to procedures for closure (or continuation) of the public hearing. The Board has the option to continue the hearing to obtain more information or to close the hearing and deliberate for a decision on the proposed action.

Chair Denton requested a motion to close or to continue the hearing.

Charles Booth moved and Lloyd Baker seconded a motion that the Boundary Review Board continue the public hearing in order to receive and consider testimony relating to the King County proposal to expand the proposed 20.59 acre Merritt II Annexation to incorporate the entire Potential Annexation Area (133 acres) into the City of Renton.

Chair Denton invited the Board members to comment on Mr. Booth's motion. Board members offered the following comments:

- City of Renton representatives have provided to the Board both written and oral testimony describing support for the Merritt II Annexation. City representatives have also provided information indicating support, in principle, for the expansion of the annexation to include the entire Potential Annexation Area.

- A full hearing of the King County position on the facts and factors relating to the annexation of the Merritt II Area and the entire Potential Annexation Area (and an opportunity for Renton to respond to King County's statement) is necessary and appropriate. This hearing is required in order for the Board to learn and consider all of the pertinent facts in this matter prior to making a decision for this Notice of Intention.
- The facts in the matter of this Notice of Intention are required in order for the Board to determine whether the City of Renton proposal for Merritt II or the County proposal for an immediate annexation of the entire Potential Annexation Area is more consistent with the authorities and criteria established in RCW 36.93, et al.
- A hearing on the entire Merritt II Annexation Area would enable the Board to consider the likely intended and unintended consequences of an action to approve, modify, or deny the proposed annexation. The Board would be able to consider whether the City is able to govern and serve the total Merritt II Annexation Area. The Board would also be able to consider the capacity of the County to serve the entire Merritt II Area.

Chair Denton called for a vote on the motion to continue the Public Hearing and Special Meeting for the City of Renton Merritt II Annexation (File No. 2178). The Board voted unanimously to accept the motion to continue the public hearing to a date and time certain.

A.J. Culver moved and Ellen Abellera seconded a motion to continue the Public Hearing and Special Meeting for the Merritt II Annexation on December 15 (and extended to December 16 if necessary) at the Renton Vocational Technical College at the hour of 7:00 p.m. The motion passed by unanimous vote.

In response to an inquiry concerning procedure, Special Assistant Attorney General Robert Kaufman reported that a new public hearing to enable the Board to consider modifying the boundaries of the proposed Merritt II Annexation would be a continuation of the initial public hearing. A Legal Notice would need to be published 30 days in advance of the continued hearing. The Board cannot provide – or order that any other jurisdiction provide – direct notification to all property owners and residents. However, in accord with RCW 36.93, posters will be placed in the area proposed to be included in the modified annexation area.

V. ADJOURNMENT

A.J. Culver moved and Chuck Booth seconded a motion to adjourn the meeting of November 3, 2004. The motion passed by unanimous vote. Chair Denton adjourned the meeting at 9:20 P.M.